

Assembly Joint Resolution

No. 19

Introduced by Assembly Members Brownley and Feuer

(Principal coauthor: Senator Leno)

(Coauthors: Assembly Members Ammiano, Ma, and John A. Perez)

(Coauthor: Senator Kehoe)

May 18, 2009

Assembly Joint Resolution No. 19—Relative to marriage.

LEGISLATIVE COUNSEL'S DIGEST

AJR 19, as introduced, Brownley. Marriage.

This measure would call upon the Congress and the President of the United States to repeal the discriminatory Defense of Marriage Act.

Fiscal committee: no.

- 1 WHEREAS, Thousands of same-sex couples in California were
2 legally married following the California Supreme Court's May
3 2008 decision in *In re Marriage Cases*, prior to the passage of the
4 discriminatory Proposition 8, which purported to prospectively
5 eliminate the right of same-sex couples to marry in this state; and
6 WHEREAS, The Defense of Marriage Act is a federal law
7 passed on September 21, 1996, and codified at Section 7 of Title
8 1 and Section 1738C of Title 28 of the United States Code; and
9 WHEREAS, The Defense of Marriage Act provides that the
10 United States government will not recognize or give effect to
11 marriages between persons of the same sex for purposes of federal
12 law; and
13 WHEREAS, The Defense of Marriage Act excludes same-sex
14 couples who are legally married in California from accessing the

1 more than 1,000 federal rights and benefits that are afforded to
2 opposite-sex spouses; and

3 WHEREAS, Among the critical rights and benefits that federal
4 law provides to protect couples and families are the right to sponsor
5 a spouse for immigration benefits, the right to access Social
6 Security survivors benefits, the right to receive health insurance
7 from a federal employee spouse, the right to file federal income
8 taxes jointly, and hundreds of other crucial protections; and

9 WHEREAS, Among other discriminatory harms, because of
10 the Defense of Marriage Act, workers in California must pay
11 federal income taxes on the value of health benefits provided by
12 an employer to the same-sex spouse of an employee, while health
13 benefits provided to different-sex spouses are not taxed, and this
14 discrimination results in serious financial detriment to many
15 same-sex couples and their families in California; and

16 WHEREAS, The Defense of Marriage Act provides that no state
17 is required to give effect to any public act, record, or judicial
18 proceeding of any other state respecting a relationship between
19 persons of the same sex that is treated as a marriage under the laws
20 of the other state or a right or claim arising from that relationship;
21 and

22 WHEREAS, The Defense of Marriage Act, therefore, authorizes
23 other states to discriminate against same-sex couples who are
24 legally married in California by refusing to recognize or protect
25 their relationships when they travel outside of California; and

26 WHEREAS, The Defense of Marriage Act causes significant
27 harm and unfairly discriminates against committed same-sex
28 couples and their families; now, therefore, be it

29 *Resolved by the Assembly and the Senate of the State of*
30 *California, jointly*, That the Legislature calls upon the Congress
31 and the President of the United States to repeal the discriminatory
32 Defense of Marriage Act; and be it further

33 *Resolved*, That the Chief Clerk of the Assembly transmit copies
34 of this resolution to the President of the United States, to each
35 Senator and Representative in the Congress of the United States,
36 and to the presiding officer of each house of each state legislature
37 of the several states.

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